

Appl. No. 09/802,787
Amdt. Dated October 27, 2006
Reply to Office Action of July 27, 2006

RECEIVED
CENTRAL FAX CENTER
OCT 27 2006

REMARKS/ARGUMENTS

Claims 1-24 are pending in the present application.

This Amendment is in response to the Office Action mailed July 27, 2006. In the Office Action, the Examiner rejected claims 1-8 and 23 under 35 U.S.C. §112; claims 1-6, 9, 10, 15-17, 19-21, and 23 under 35 U.S.C. §102(a). In addition, the Examiner indicated allowable subject matter for claims 11-14, 18, 22, and 24 if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 1, 7, 9, 19, and 23. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Examiner contends that the limitation "dynamically" in claim 1 does not appear to have support in the original disclosure (Office Action, page 2, paragraph number 3). Applicants have amended claim 1 to clarify the claim language.

In the Office Action, the Examiner rejected claims 7 and 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 7 and 23 to correct minor informalities.

Therefore, Applicants respectfully request the rejection under 35 U.S.C. §112 be withdrawn.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-6, 9, 10, 15-17, 19-21, and 23 under 35 U.S.C. §102(a) as being anticipated by "The FreeBSD Documentation Project" ("FreeBSD"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

FreeBSD discloses a FreeBSD architecture handbook. A Newbus has the following features: dynamic attaching, easy modularization of drivers and pseudo-busses (FreeBSD, page

Appl. No. 09/802,787
Amdt. Dated October 27, 2006
Reply to Office Action of July 27, 2006

195, lines 1-3). The core of the Newbus system is an extensible object-oriented programming model. Each device in the system has a table of methods which it supports (FreeBSD, page 195, last paragraph).

FreeBSD does not disclose, either expressly or inherently, at least one of (1) generating an object-oriented abstraction corresponding to a root bus referencing a method that obtains and/or generates configuration and resource allocation information for the root bus and a subordinate bus connected to the root bus; (2) registering the method referenced in the object-oriented abstraction via a data structure stored in a memory, and (3) the data structure including an identifier of the root bus and a pointer to the root bus, as recited in claim 1 and ; and (4) identifying each of a plurality of root buses; (5) defining an object oriented representation of each root bus comprising a set of components that includes references to a plurality of methods that obtain and/or generate configuration and resource allocation information for that root bus and at least a subordinate bus connected to the root bus; and (6) assigning a bus identifier for the at least subordinate bus through use of an enumeration process that implements one or more of the methods referenced by the object oriented representation of the root bus, as recited in claim 9.

FreeBSD merely discloses "dynamic attach" which is dynamically attaching a device to a driver (FreeBSD, page 196, top paragraph), not generating an object oriented abstraction. Furthermore, FreeBSD merely discloses a device which uses the method table declared by an associated driver when it is attached to the driver (FreeBSD, page 196, top paragraph), not registering the method via a data structure. Using a method table is not equivalent to registering the method. Registering the method includes storing information in memory using a handle and a pointer to the object's memory location. To clarify this aspect of the invention, claims 1 and 19 have been amended.

Regarding claim 9, the Examiner contends that FreeBSD discloses an object-oriented representation of each root bus (Office Action, page 5, paragraph number 7-7). Applicants respectfully disagree for the following reasons.

FreeBSD merely discloses a device tree lay-out (FreeBSD, page 195, line 4), not a root bus comprising a set of components. A device tree lay-out does not show a hierarchy of the root buses. A device is only a physical component attached to a bus, not a bus itself. Furthermore,

Appl. No. 09/802,787
Amdt. Dated October 27, 2006
Reply to Office Action of July 27, 2006

FreeBSD merely discloses an extensible object-based programming model (FreeBSD, page 195, last paragraph), not an object-oriented representation of each root bus. FreeBSD merely discloses each device having a table which it supports. As discussed above, a device is not a root bus.

The Examiner further contends that a device tree lay-out suggests individually identifiable device/bus (Office Action, page 5, last paragraph), and using an enumeration process is interpreted as using a method table declared by the driver is (Office Action, page 6, lines 1-2). Applicants respectfully disagree. First, as discussed above, a device is not a bus. Accordingly, a device tree lay-out merely shows the lay-out of the devices, not the bus. Second, having a tree lay-out does not mean that an assignment of an identifier is performed. Third, using a method table does not mean that the assignment of the identifier is performed through use of an enumeration process. Each device supports a table of methods, but it may not be identified by an enumeration process. There is no relationship between supporting a table of methods with assigning a bus identifier through use of an enumeration process.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that FreeBSD teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicants believe that independent claims 1, 9, and 19 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(a) be withdrawn.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claims 11-14, 18, 22, and 24 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form

Appl. No. 09/802,787
Amdt. Dated October 27, 2006
Reply to Office Action of July 27, 2006

RECEIVED
CENTRAL FAX CENTER

OCT 27 2006

including all of the limitations of the base claim and any intervening claims. However, in light of the amendments and remarks, Applicants respectfully request that independent claims 1, 9, and 19 and all claims that depend therefrom be allowed.

Conclusion

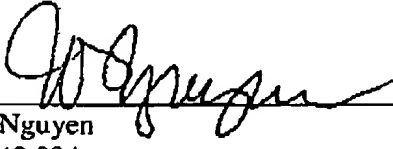
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 27, 2006

By


Thanh V. Nguyen
Reg. No. 42,034
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

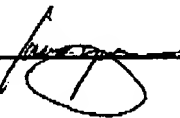
MAILING

☐ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

Date: October 27, 2006

FACSIMILE

☒ Transmitted by facsimile to the United States Patent
and Trademark Office.


Tu Nguyen

October 27, 2006

Date

BEST AVAILABLE COPY